

DECLARATION OF RESOLUTION

NO. 740 - 1942

For the vacating of a portion of Cochrane Street, more particularly described as follows: Beginning at the intersection of the north line of Cochrane Street and the east line of Tecumseh Street; thence south along the east line of Tecumseh Street produced S. to the S. line of Cochrane St; thence W. along the S.line of Cochrane St. to a point which is ten (10) ft.E. of the N.W. cor. of Lot No.Eleven (11) White's 5th Add; thence N.E. to a point on the N. line of Cochrane Street which is six (6) ft. W. of the S.E. cor. of Lot No. (26) White's 5th Add; thence E. along the north line of Cochrane St. to the E. line of Tecumseh St. the place of beginning.

ADOPTED: Tues April 14, 1942, 10 AM

DECLARATORY RESOLUTION NO. 740-1942.

For the vacation of a portion of Cochrane Street, more particularly described as follows: Beginning at the intersection of the north line of Cochrane Street and the east line of Tecumseh Street; thence south along the east line of Tecumseh Street produced south, to the south line of Cochrane Street; thence west along the south line of Cochrane Street to a point which is ten (10) feet east of the northwest corner of Lot Number Eleven (11) White's 5th Addition; thence northeast to a point on the north line of Cochrane Street which is six (6) feet west of the southeast corner of Lot Number twenty-six (26) White's 5th Addition; thence east along the north line of Cochrane Street to the east line of Tecumseh Street, the place of beginning.

ALSO, for the vacation of a portion of Tecumseh Street, more particularly described as follows: Beginning at the intersection of the east line of Tecumseh Street and the north line of Cochrane Street; thence north along the east line of Tecumseh Street to its intersection with the south line of Herbert Street, said point being eight (8) feet north and thirty (30) feet west of the northeast corner of Lot Number 8 J. H. Vesey's 1st Addition; thence southwest to a point on the west line of Tecumseh Street which is thirty-seven (37) feet south of the northeast corner of Lot Number Six (6) J. H. Vesey's 1st Addition; thence south along the west line of Tecumseh Street to the north line of Cochrane Street; thence east along the north line of Cochrane Street to the east line of Tecumseh Street, the place of beginning.

ALSO, for the vacation of the alley between Cochrane Street and Herbert Street, more particularly described as follows: Beginning at the intersection of the north line of said alley with the west line of Tecumseh Street; thence west along the north line of said alley to a point which is the southwest corner of Lot Number five (5) J. H. Vesey's 1st Addition; thence southwest to a point on the south line of said alley which is seven (7) feet east of the northwest corner of Lot Number twenty-nine (29) White's 5th Addition; thence east along the south line of said alley to the west line of Tecumseh Street; thence north along the west line of Tecumseh Street to the north line of said alley, the place of beginning.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to vacate a portion of Cochrane Street, more particularly described as follows: Beginning at the intersection of the north line of Cochrane Street and the east line of Tecumseh Street; thence south along the east line of Tecumseh Street produced south, to the south line of Cochrane Street; thence west along the south line of Cochrane Street to a point which is ten (10) feet east of the northwest corner of Lot Number eleven (11) White's 5th Addition; thence northeast to a point on the north line of Cochrane Street which is six (6) feet west of the southeast corner of Lot Number twenty-six (26) White's 5th Addition; thence east along the north line of Cochrane Street to the east line of Tecumseh Street, the place of beginning.

ALSO, to vacate a portion of Tecumseh Street, more particularly described as follows: Beginning at the intersection of the east line of Tecumseh Street and the north line of Cochrane Street; thence north along the east line of Tecumseh Street to its intersection with the south line of Herbert Street, said point being eight (8) feet north and thirty (30) feet west of the northeast corner of Lot Number 8 J. H. Vesey's 1st Addition; thence southwest to a point on the west line of Tecumseh Street which is thirty-seven (37) feet south of the northeast corner of Lot Number six (6) J. H. Vesey's 1st Addition; thence south along the west line of Tecumseh Street to the north line of Cochrane Street; thence east along the north line of Cochrane Street to the east line of Tecumseh Street, the place of beginning.

ALSO, to vacate a portion of the alley between Cochrane Street and Herbert Street, more particularly described as follows: Beginning at the intersection of the north line of said alley with the west line of Tecumseh Street; thence west along the north line of said alley to a point which is the southwest corner of Lot Number five (5) J. H. Vesey's 1st Addition; thence southwest to a point on the south line of said alley which is seven (7) feet east of the northwest corner of Lot Number twenty-nine (29) White's 5th Addition; thence east along the south line of said alley to the west line of Tecumseh Street; thence north along the west line of Tecumseh Street to the north line of said alley, the place of beginning.

All as shown by a plan of such proposed street and alley vacations as aforesaid now on file in the office of the Department of Public Works of said City.

The cost of said street and alley vacations as aforesaid shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by the proposed street and alley vacatons as aforescribed is described as Lots Numbered Three (3) to seventeen (17) both inclusive, J. H. Vesey's 1st Addition; Lots Numbered one (1) to eleven (11) both inclusive, White's 5th Addition; also Lots Numbered twenty-six (26) to thirty-seven (37) both inclusive, White's 5th Addition.

The vacation of the streets and alley as aforescribed shall be subject to an easement for the use of the City of Fort Wayne for the maintainence of existing water mains, sewers, and electric pole lines and conduits.

All according to the method and manner provided for in an Act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

All of said lots and lands and streets and alleys affected by the above described street and alley vacatons being situated in the Northeast Quarter of Section One (1), Township Thirty (30) North, Range Twelve (12) East, and lying within the corporate limits of the City of Fort Wayne, Allen County, Indiana.

Adopted this 14th day of April, 1942.

Attest: Char. F. Hess.

Secretary.

David Lewis.
J. H. Johnson
Board of Public Works.

THIS AGREEMENT, made and entered into this 17^A day of November, 1941, by and between the CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PUBLIC WORKS, hereinafter referred to as the "CITY", and the WAYNE PUMP COMPANY, a corporation with its principal place of business located in the City of Fort Wayne, Allen County, Indiana, hereinafter referred to as the "CORPORATION", WITNESSETH:

WHEREAS, the Corporation is operating an industrial plant in the City of Fort Wayne, Indiana, and its property adjoins Tecumseh Street and Cochrane Street in the City of Fort Wayne, Indiana; and

WHEREAS, said Corporation is desirous of having said Tecumseh Street and Cochrane Street vacated; and

WHEREAS, the Corporation owns several lots which adjoin Tecumseh Street and Cochrane Street, and proposes to convey to the City of Fort Wayne sufficient land through said lots for the purpose of constructing a new street in consideration of the City's vacating Tecumseh Street and Cochrane Street; and

WHEREAS, the City desires to construct and build a new street connecting Coombs Street and Tecumseh Street so that a better approach may be had to the Coombs Street bridge in the City of Fort Wayne, Indiana; and

WHEREAS, it is proposed that the cost of the construction of said new street be shared equally between the City and the Corporation;

NOW, THEREFORE, in consideration of the premises hereinbefore set out and in consideration of the conditions and provisions herein-after mutually agreed upon, the City and the Corporation mutually agree with each other as follows, to-wit:

1. The City hereby agrees to vacate Cochrane Street from the East property line of Coombs Street to the west property line of Tecumseh Street, and further agrees to vacate Tecumseh Street from the South property line of Cochrane Street to the South property line of Herbert Street, however, the City reserving to itself easement

rights over said vacated street for existing water, light and sewage utilities.

2. In consideration of the vacation of said aforementioned streets, the Corporation agrees to convey to the City the following described real estate located in the City of Fort Wayne, Allen County, Indiana, to-wit:

A portion of Lot Number 11 White's 5th Addition described as follows: Commencing at the northwest corner of said Lot Number 11; thence east along the north line of said lot a distance of ten (10) feet; thence in a southwesterly direction to a point on the west line of said lot, fifty-four (54) feet south of the northwest corner thereof; thence north along the west line of said Lot Number 11 to the northwest corner thereof, the place of beginning.

A portion of Lots Numbered 26, 27, 28 and 29 White's 5th Addition, more particularly described as follows: Commencing at the southwest corner of Lot Number 26; thence north along the west line of said lot Number 26 a distance of twenty-eight (28) feet; thence northeast on a straight line to a point on the north line of Lot Number 27, which is thirty-five (35) feet east of the northwest corner of said Lot Number 27; thence east along the north line of Lots Numbered 27, 28 and 29 to a point which is seven (7) feet east of the northwest corner of said Lot Number 29; thence southwest on a straight line to a point on the south line of said Lot Number 26, which is six (6) feet west of the southeast corner thereof; thence west along the south line of said Lot Number 26 to the southwest corner thereof, the place of beginning.

A portion of Lots Numbered 6, 5, 4 and 3, J. H. Vesey's 1st Addition, more particularly described as follows: Commencing at the northeast corner of Lot Number 6, thence south along the east line of said Lot Number 6 a distance of thirty-seven (37) feet; thence southwesterly on a straight line to the southwest corner of Lot Number 5; thence west along the south line of Lots Numbered 4 and 3 to a point which is seven (7) feet east of the southwest corner of said Lot Number 3; thence northeast on a straight line to a point in the north line of Lot Number 6, which is seven (7) feet east of the northwest corner thereof; thence east along the north line of said Lot Number 6 to the northeast corner thereof, the place of beginning.

It is understood and agreed between the City and the Corporation that the City will build and construct over said aforementioned described real estate a new thoroughfare and public highway and street, said thoroughfare to join Coombs Street at the junction of Coombs Street and Cochrane Street, and to run diagonally northeast to Tecumseh Street and the Coombs Street bridge.

3. It is mutually understood and agreed between the City and the Corporation that the cost of the pavement and appurtenances for

said new street and sidewalks shall be shared equally between the City and the Corporation, except the liability of the Corporation shall not exceed Two Thousand Dollars (\$2,000.00).

4. The City also agrees to grant the Corporation permission and privilege to use the ground now owned by the City East of Tecumseh Street and North of Herbert Street, as a parking lot for the corporation indefinitely, but cancellable by the City at any time after five years for purpose of other needs of the City.

CITY OF FORT WAYNE, BY AND THROUGH
ITS BOARD OF PUBLIC WORKS

ATTEST:

Char. A. Hess.

Secretary

APPROVED AS TO FORM AND
LEGALITY:

Allen E. Schmitz

City Attorney

John G. Beams (SEAL)

David Lewis (SEAL)

J. H. Johnson (SEAL)

THE WAYNE PUMP COMPANY

BY P. J. Ryan (SEAL)
President

BY W. G. Reed (SEAL)
Secretary



OFFICE OF
BOARD OF PUBLIC WORKS

April 14, 1942

FORT WAYNE, INDIANA

Mr. Chauncey R. McAnlis
City Engineer
City of Fort Wayne

Res #740

Dear Sir:

You are hereby directed to prepare plans for the vacating of Cochrane Street and Tecumseh Street as per the agreement with Wayne Pump Company.

Robert G. Bean

J. H. Johnson
BOARD OF PUBLIC WORKS

ATTEST:

C. F. Hess
SECRETARY

WILLARD SHAMBAUGH

LAWYER

405 LINCOLN BANK TOWER

FORT WAYNE, INDIANA

April 30, 1942

Mr. Walter E. Helmke,
Attorney-at-Law,
415 Standard Building,
Fort Wayne, Indiana.

Dear Walt:

Re: Cochran Street Vacation

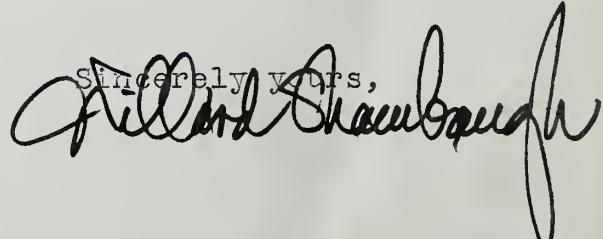
Responsive to yours of April 29, I have made up and hand you herewith deed by The Wayne Pump Company to the City of Fort Wayne, conveying by warranty deed the description for street purposes which you furnished.

In so doing I am taking your word for it that the City has fulfilled and will fulfill its covenants to Wayne under the contract executed a while back.

I have not referred to taxes in this deed, which accordingly takes the form of our warranting against those already liens which were unsusceptible of segregation anyhow, and which the company will have to pay within its present tax liability on the whole property; and, of course, after this deed is recorded, assuming that it be done prior to next March 1, the within description will come out of our bill and be placed on the non-taxable duplicate.

I am also assuming the accuracy of your description as having been made by the city surveyors, and that if you should have made a mistake, you will correct it for us as well as the City.

Sincerely yours,



WS:DB

CC: Mr. B. F. Geyer

THE WAYNE PUMP COMPANY
FORT WAYNE, INDIANA

November 19, 1941

OFFICE OF PRESIDENT

Mr. Robert G. Beams, Chairman
Board of Public Works
Fort Wayne, Indiana

My dear Mr. Beams:

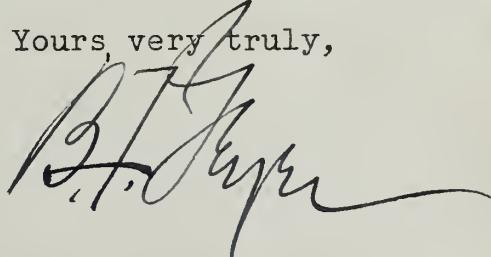
I am enclosing one copy of the agreement between the City of Fort Wayne and The Wayne Pump Company with reference to vacation of certain streets and the granting of the right to relocate a connecting street from Coombs Street to Tecumseh Street, in accordance with this agreement and the plat which was attached thereto.

This has been approved by the Board of Directors of The Wayne Pump Company in meeting Tuesday afternoon, November 18, and the signature of the President and Secretary to this agreement was at that time authorized. The agreement has been formally signed and sealed. We are retaining one copy of it for our files inasmuch as the officials of the City of Fort Wayne had already signed the agreement.

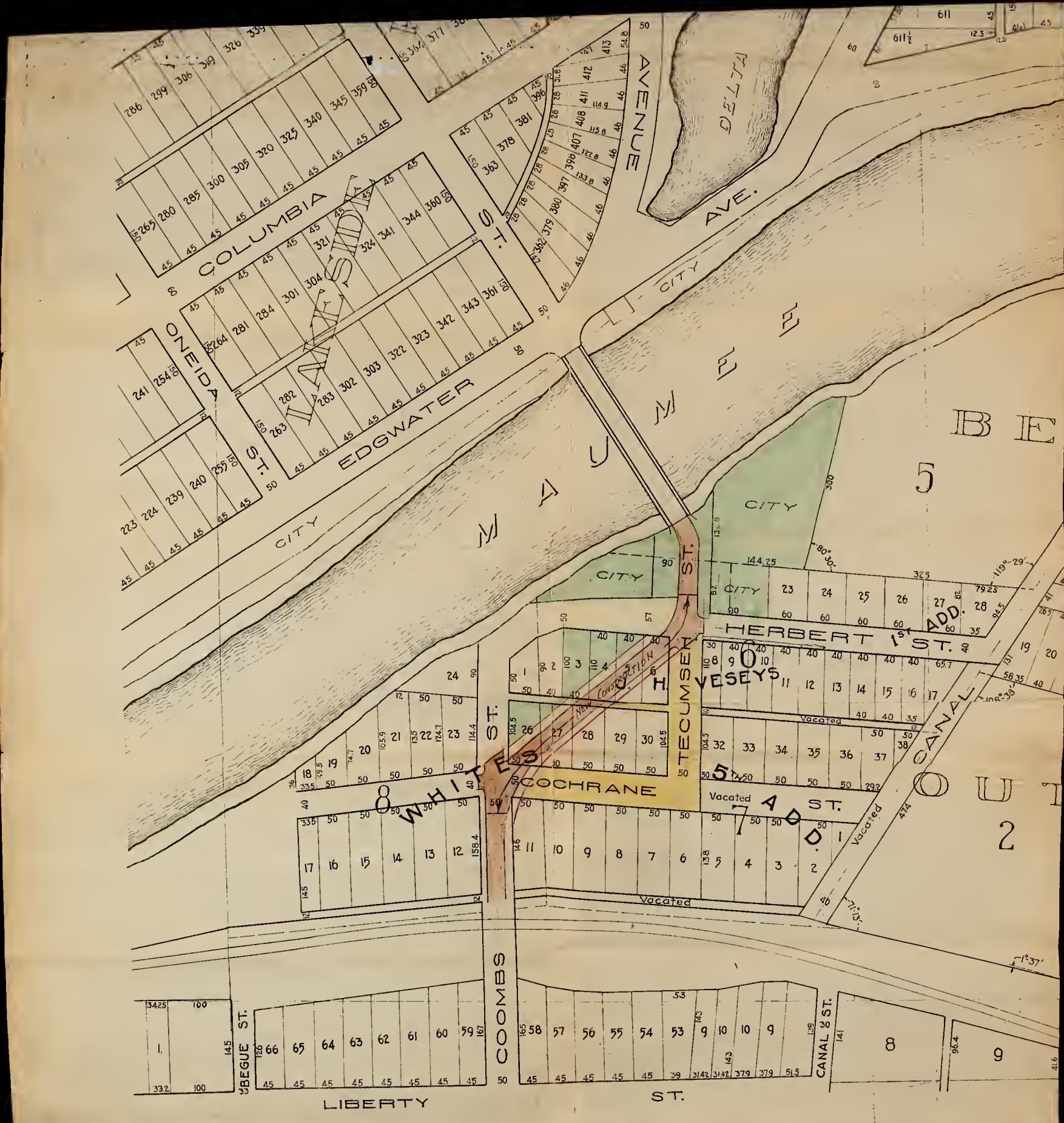
I take it that the work in connection with this will be started as soon as arrangements can be made, and as explained over the telephone, I feel that the dirt that is excavated for the new street should be placed on the property on the east side of the south approach to the Coombs Street Bridge which, according to this agreement, for a certain period The Wayne Pump Company is given the right to use as a parking space for automobiles.

I believe this new arrangement will be a very great improvement, and want to congratulate you on initiating the project.

Yours, very truly,



BFGeyer-WGA



Wayne Tank.
Street Re-location

